

allocation scheme, in order to reduce the amount of fish that must be discarded as bycatch in the commercial fishery in states with relatively low summer flounder quotas. The transfer of quota from donor states will allow recipient states to marginally increase trip limits, thereby decreasing the amount of summer flounder discarded at sea.

The final rule implementing Amendment 5 to the FMP that was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the approval of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota

under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations. The Regional Administrator has reviewed those criteria and approved the quota transfer requests submitted by the State of Rhode Island.

Consistent with Addendum XV, Rhode Island, a designated “donor state,” has voluntarily employed the quota transfer provisions of the FMP to transfer a total of 50,186 lb (22,764 kg) to be allocated as follows: Maine 937 lb (425 kg); Connecticut 13,095 lb (5,940 kg); New York 9,763 lb (4,428 kg); Delaware 2,887 lb (1,310 kg); Maryland 13,230 lb (6,001 kg); and Massachusetts 10,274 lb (4,660 kg) (see Table 1).

In addition, this action corrects a previous quota transfer involving North Carolina and Maryland published on June 7, 2005 (70 FR 33042). This previous quota transfer notice effected an Addendum XV transfer from North Carolina to Maine, Massachusetts, Connecticut, New York, and Maryland. In agreeing to this previous transfer, Maryland accepted only half of the quota offered by North Carolina, but the transfer published on June 7, 2005, inadvertently transferred to Maryland the full amount offered by North Carolina (23,153 lb (10,502 kg)). Therefore, this action deducts half of this amount (11,577 lb (5,251 kg)) from Maryland and restores the same amount to North Carolina. The corrected quotas involved in that transfer are listed in Table 1.

TABLE 1. SUMMER FLOUNDER COMMERCIAL QUOTA TRANSFERS

State	Amount Transferred		2005 Quota ¹		2005 Revised Quota	
	lb	kg	lb	kg	lb	kg
Rhode Island	-50,186	-22,764	2,818,232	1,278,350	2,768,046	1,255,586
Maine	937	425	11,459	5,198	12,396	5,623
Massachusetts	10,274	4,660	1,209,499	548,629	1,219,773	553,289
Connecticut	13,095	5,940	446,313	202,448	459,408	208,387
New York	9,763	4,428	1,404,519	637,090	1,414,282	641,518
Delaware ²	2,887	1,310	-47,415	-21,507	-44,528	-20,198
Maryland ³	13,230	6,001	388,534	176,239	390,187	176,989
North Carolina	0	0	4,597,745	2,085,537	4,609,322	2,090,788

¹ Reflects quotas as published on June 7, 2005 (70 FR 33042), inclusive of previous Addendum XV and “safe harbor” transfers.

² Landings of summer flounder in Delaware by vessels holding commercial Federal fisheries permits are prohibited for the 2005 calendar year.

³ Maryland net change between transfer (13,230 lb (6,001 kg)) and revision (-11,577 lb (5,251 kg)) is 1,673 lb (759 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 15, 2005.

Anne M. Lange,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 05-12204 Filed 6-16-05; 12:58 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332-5039-02; I.D. 061405B]

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock from the Aleutian Islands Subarea to the Bering Sea Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Community Development Quota (CDQ), incidental catch allowance (ICA) and non-CDQ pollock from the Aleutian Islands subarea to the Bering Sea subarea. These actions are necessary to allow the 2005 total allowable catch

(TAC) of pollock in the Aleutian Islands subarea to be harvested.

DATES: Effective June 21, 2005, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2005.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In the Aleutian Islands subarea, the 2005 A season allowance of non-CDQ pollock is 9,800 metric tons (mt), the ICA of pollock is 1,200 mt, and the CDQ pollock is 760 mt, as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005),

for the period 1200 hrs, A.l.t., January 1, 2005, through 1200 hrs, A.l.t., June 10, 2005.

As of May 21, 2005, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that the following A season apportionments of pollock in the Aleutian Islands subarea will not be harvested: 9,600 of non-CDQ pollock, 460 mt of ICA pollock and 760 mt of CDQ pollock. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS reallocates 9,600 mt of non-CDQ pollock and 760 mt of CDQ pollock from the Aleutian Islands subarea to the Bering Sea subarea B season allocations. In accordance with § 679.20(a)(5)(iii)(B)(2)(ii), NMFS reallocates 460 mt from the Aleutian Islands subarea pollock ICA to the B season non-CDQ directed pollock fishery.

Also, the Regional Administrator has determined that the B season ICA is in excess of the necessary amount and is reallocating the excess B season apportionment of the ICA to the directed pollock fishery. In accordance with § 679.20(a)(5)(iii)(B)(2)(ii), NMFS reallocates 140 mt from the B season apportionment of the Aleutian Islands subarea pollock ICA to the B season non-CDQ directed pollock fishery.

Furthermore, the Regional Administrator has determined through consultation with the Aleut Corporation and the CDQ groups that 4,900 mt of the B season non-CDQ pollock and 1,140 mt of the B season CDQ pollock allocations in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(4), NMFS apportions 4,900 mt of non-CDQ pollock and 1,140 mt of CDQ pollock from the Aleutian Islands subarea to the Bering

Sea subarea B season allocations. Table 3 has been revised to reflect this reallocation.

The harvest specifications for pollock in the Aleutian Islands subarea included in the harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005) are revised as follows: 200 mt to the A season allowance of non-CDQ pollock, 740 mt to the A season allowance of ICA pollock, 0 mt to the A season allowance of CDQ pollock, 1,000 mt to the B season allowance of non-CDQ pollock, 660 to the B season allowance of ICA pollock, and 0 mt to the B season allowance of CDQ pollock.

Pursuant to § 679.20(a)(5), Tables 3 and 10 are revised for the 2005 B season consistent with this reallocation. Footnote 1 continues to state the allocations under regulations at § 679.20(a)(5).

TABLE 3—2005 AND 2006 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA)¹

[Amounts are in metric tons]

Area and sector	2005 Allocations	2005 A season ¹		2005 B season ¹	2006 Allocations	2006 A season ¹		2006 B season ¹
		A season DFA	SCA harvest limit ²	B season DFA		A season DFA	SCA harvest limit ²	B season DFA
Bering Sea subarea	1,478,500	.....	.....	.....	1,487,756	.....	.....	.....
CDQ DFA	147,850	59,140	41,398	90,610	148,776	59,510	41,657	89,265
ICA ¹	44,577	.....	.....	.....	44,856	.....	.....	.....
AFA Inshore	643,037	257,215	180,050	393,072	647,062	258,825	181,177	388,237
AFA Catcher/Processors ³	514,429	205,772	144,040	314,458	517,650	207,060	144,942	310,590
Catch by C/Ps	470,703	188,281	.....	287,729	473,650	189,460	.....	284,190
Catch by CVs ³	43,726	17,491	.....	26,729	44,000	17,600	.....	26,400
Unlisted C/P Limit ⁴	2,572	1,029	.....	1,572	2,588	1,035	.....	1,553
AFA Motherships	128,607	51,443	36,010	78,614	129,412	51,765	36,235	77,647
Excessive Harvesting Limit ⁵	225,063	.....	.....	.....	226,472	.....	.....	.....
Excessive Processing Limit ⁶	385,822	.....	.....	.....	388,237	.....	.....	.....
Total Bering Sea DFA	1,433,923	573,570	401,498	876,754	1,487,756	577,160	404,012	865,740
Aleutian Islands subarea ¹	2,600	.....	.....	.....	19,000	.....	.....	.....
CDQ DFA	.....	.....	.....	.....	1,900	760	.....	1,140
ICA	1,400	740	.....	660	2,000	1,200	.....	800
Aleut Corporation	1,200	200	.....	1,000	15,100	9,800	.....	5,300
Bogoslof District ICA ⁷	10	.....	.....	.....	10	.....	.....	.....

¹Under § 679.20(a)(5)(i)(A), the Bering Sea subarea pollock after subtraction for the CDQ DFA - 10 percent and the ICA - 3.35 percent, the pollock TAC is allocated as a DFA as follows: inshore component - 50 percent, catcher/processor component - 40 percent, and mothership component - 10 percent. In the Bering Sea subarea, the A season, January 20 - June 10, is allocated 40 percent of the DFA and the B season, June 10 - November 1 is allocated 60 percent of the DFA. The Aleutian Islands (AI) directed pollock fishery allocation to the Aleut Corporation remains after first subtracting for the CDQ DFA - 10 percent and second the ICA - 2,000 mt. The Aleut Corporation directed pollock fishery is closed to directed fishing until the management provisions for the AI directed pollock fishery become effective under Amendment 82. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the directed pollock fishery.

²In the Bering Sea subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1. The remaining 12 percent of the annual DFA allocated to the A season may be taken outside of SCA before April 1 or inside the SCA after April 1. If 28 percent of the annual DFA is not taken inside the SCA before April 1, the remainder is available to be taken inside the SCA after April 1.

³Under § 679.20(a)(5)(i)(A)(4), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

⁴Under § 679.20(a)(5)(i)(A)(4)(iii), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

⁵Under § 679.20(a)(5)(i)(A)(6) NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the pollock DFAs.

⁶Under § 679.20(a)(5)(i)(A)(7) NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the pollock DFAs.

⁷The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only, and are not apportioned by season or sector.

TABLE 10—2005 AND 2006 BERING SEA SUBAREA INSHORE COOPERATIVE ALLOCATIONS

[Amounts are in metric tons]

Cooperative name and member vessels	Sum of member vessel's official catch histories ¹	Percentage of inshore sector allocation	2005 Annual cooperative allocation	2006 Annual cooperative allocation
<i>Akutan Catcher Vessel Association</i> ALDEBARAN, ARCTIC EXPLORER, ARCTURUS, BLUE FOX, CAPE KIWANDA, COLUMBIA, DOMINATOR, EXODUS, FLYING CLOUD, GOLDEN DAWN, GOLDEN PISCES, HAZEL LORRAINE, INTREPID EXPLORER, LESLIE LEE, LISA MELINDA, MARK I, MAJESTY, MARCY J, MARGARET LYN, NORDIC EXPLORER, NORTHERN PATRIOT, NORTHWEST EXPLORER, PACIFIC RAM, PACIFIC VIKING, PEGASUS, PEGGY JO, PERSEVERANCE, PREDATOR, RAVEN, ROYAL AMERICAN, SEEKER, SOVEREIGNTY, TRAVELER, VIKING EXPLORER	245,922	28.130%	182,925	182,018
<i>Arctic Enterprise Association</i> BRISTOL EXPLORER, OCEAN EXPLORER, PACIFIC EXPLORER	36,807	4.210%	27,378	27,242
<i>Northern Victor Fleet Cooperative</i> ANITA J, COLLIER BROTHERS, COMMODORE, EXCALIBUR II, GOLDRUSH, HALF MOON BAY, MISS BERDIE, NORDIC FURY, PACIFIC FURY, POSEIDON, ROYAL ATLANTIC, SUNSET BAY, STORM PETREL	73,656	8.425%	54,788	54,516
<i>Peter Pan Fleet Cooperative</i> AJ, AMBER DAWN, AMERICAN BEAUTY, ELIZABETH F, MORNING STAR, OCEAN LEADER, OCEANIC, PACIFIC CHALLENGER, PROVIDIAN, TOPAZ, WALTER N	23,850	2.728%	17,740	17,652
<i>Unalaska Cooperative</i> ALASKA ROSE, BERING ROSE, DESTINATION, GREAT PACIFIC, MESSIAH, MORNING STAR, MS AMY, PROGRESS, SEA WOLF, VANGUARD, WESTERN DAWN	106,737	12.209%	79,395	79,001
<i>UniSea Fleet Cooperative</i> ALSEA, AMERICAN EAGLE, ARGOSY, AURIGA, AURORA, DEFENDER, GUN-MAR, MAR-GUN, NORDIC STAR, PACIFIC MONARCH, SEADAWN, STARFISH, STARLITE, STARWARD	213,521	24.424%	158,824	158,037
<i>Westward Fleet Cooperative</i> ALASKAN COMMAND, ALYESKA, ARCTIC WIND, CAITLIN ANN, CHELSEA K, DONA MARTITA, FIERCE ALLEGIANCE, HICKORY WIND, OCEAN HOPE 3, PACIFIC KNIGHT, PACIFIC PRINCE, VIKING, WESTWARD I	173,744	19.874%	129,236	128,595
Open access AFA vessels	0	0.00%	0	0
Total inshore allocation	874,238	100%	650,287	647,062

¹According to regulations at § 679.62(e)(1), the individual catch history for each vessel is equal to the vessel's best 2 of 3 years inshore pollock landings from 1995 through 1997 and includes landings to catcher/processors for vessels that made 500 or more mt of landings to catcher/processors from 1995 through 1997.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would

delay the reallocation of Aleutian Islands subarea pollock to the Bering Sea subarea B season. At the end of May 2005, NMFS was notified by the Aleut Corporation and the CDQ groups that the pollock allocations in the Aleutian Islands subarea will not be harvested. Since the B season opens June 10, it is important to immediately inform the industry as to the final Bering Sea subarea B season allocations. Immediate notification is necessary in order to allow an orderly transition into the B season and to provide timely information to allow for the orderly conduct and efficient operation of this fishery thereby allowing the industry to

plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 14, 2005.

John H. Dunnigan

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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